

Chapter 463-26 WAC

~~((PROCEDURE--INITIAL PUBLIC HEARING AND))~~
PUBLIC ~~((INFORMATION))~~ INFORMATIONAL MEETING AND LAND USE
HEARING

AMENDATORY SECTION (Amending Order 109, filed 11/16/76)

WAC 463-26-010 Purpose ~~((of this chapter))~~. This chapter sets forth the procedures to be followed in the conduct of the ~~((initial public hearing held pursuant to RCW 80.50.090(1) and the))~~ public informational meeting pursuant to RCW 80.50.090(1) and as described in WAC ~~((463-26-130))~~ 463-26-025, and the public land use hearing held pursuant to RCW 80.50.090(2).

AMENDATORY SECTION (Amending Order 78-8, filed 8/28/78)

WAC 463-26-020 Notification of local authorities. Before ~~((scheduling the initial public hearing))~~ conducting either the public informational meeting under RCW 80.50.090(1) or the public land use hearing under RCW 80.50.090(2), the council will notify the legislative authority in each county, city and port district within whose boundaries the site of the proposed energy facility is located.

NEW SECTION

WAC 463-26-025 Public informational meeting. The council shall conduct at least one public informational meeting concerning each application. At this meeting, the council will present the general procedure to be followed in processing the application including a tentative sequence of council actions, the rights and methods of participation by local government in the process, and the means and opportunities for the general public to participate.

(1) The applicant shall make a presentation of the proposed project utilizing appropriate exhibits. The presentation shall include: A general description of the project and the proposed site; reasons why the proposed site or location was selected; and a summary of anticipated environmental, social, and economic impacts.

(2) The general public shall be afforded an opportunity to present written or oral comments relating to the proposed project. The comments may become part of the adjudicative proceeding record.

(3) The informational meeting shall be held in the general proximity of the proposed project as soon as practicable within sixty days after receipt of an application for site certification.

NEW SECTION

WAC 463-26-035 Introduction of counsel for the environment. The council shall invite the counsel for the environment to be present at the public informational meeting. Counsel for the environment shall be introduced and afforded an opportunity to explain his or her statutory duties under chapter 80.50 RCW.

AMENDATORY SECTION (Amending Order 78-8, filed 8/28/78)

WAC 463-26-050 Purpose for land use hearing. At the commencement of the ((~~initial~~)) public land use hearing, the council shall explain that the purpose of the ((~~initial~~)) hearing under RCW 80.50.090((~~(1)~~))(2) is to determine whether at the time of application the proposed facility ((~~is~~)) was consistent and in compliance with ((~~county or regional~~)) land use plans ((~~or~~)) and zoning ordinances ((~~and that this matter shall have priority~~)). Pursuant to RCW 80.50.020(15) "land use plan" means a comprehensive plan or land use element thereof adopted by a unit of local government under chapters 35.63, 35A.63, or 36.70 RCW. Pursuant to RCW 80.50.020(16) "zoning ordinance" means an ordinance of local government regulating the use of land and adopted pursuant to chapters 35.63, 35A.63, or 36.70 RCW or Article XI of the state constitution.

AMENDATORY SECTION (Amending Order 109, filed 11/16/76)

WAC 463-26-060 Public announcement--Testimony. At the outset of the ((~~initial~~)) public land use hearing, the council shall publicly announce that opportunity for testimony by anyone shall be allowed relative to the consistency and compliance with ((~~county or regional~~)) land use plans ((~~or~~)) and zoning ordinances.

AMENDATORY SECTION (Amending Order 109, filed 11/16/76)

WAC 463-26-090 Procedure where certificates affirming compliance with ~~((zoning ordinances or))~~ land use plans and zoning ordinances are presented. This rule contemplates that applicants will enter as exhibits, at the land use hearing, certificates from local authorities attesting to the fact that the proposal is consistent and in compliance with ~~((county or regional))~~ land use plans ~~((or))~~ and zoning ordinances. In cases where this is done, such certificates will be regarded as *prima facie* proof of consistency and compliance with such land use plans and zoning ordinances ~~((or land use plans))~~ absent contrary demonstration by anyone present at the hearing.

AMENDATORY SECTION (Amending Order 109, filed 11/16/76)

WAC 463-26-100 Procedure where no certificates relating to ~~((zoning ordinances or))~~ land use plans and zoning ordinances are presented. In cases where no certificates relating to ~~((zoning or))~~ land use plans and zoning ordinances are presented to the council, then the applicant ~~((will be required to demonstrate compliance with local zoning or land use plans as part of its presentation. Local authorities shall then be requested to testify on the question of consistency and compliance with county or regional))~~ and local authorities shall address compliance or noncompliance with land use plans or zoning ordinances.

AMENDATORY SECTION (Amending Order 109, filed 11/16/76)

WAC 463-26-110 Determination regarding ~~((zoning or))~~ land use plans and zoning ordinances. ~~((Prior to the conclusion of the hearing,))~~ The council shall make a determination as to whether the proposed site is consistent and in compliance with land use plans ~~((or))~~ and zoning ordinances pursuant to RCW 80.50.090(2).

REPEALER

The following sections of the Washington Administrative Code are repealed:

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| WAC 463-26-040 | Adversary nature of hearings. |
| WAC 463-26-070 | Introduction of counsel for the environment. |
| WAC 463-26-080 | Explanation of entire certification process. |
| WAC 463-26-120 | Initial determination subject to review. |
| WAC 463-26-130 | Public information meeting. |